

UNITED STATES DISTRICT COURT  
EASTER DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA                          )  
    )      Case No. 1:05-cr-148  
v.    )  
    )      Judge Edgar  
FRANKLIN L. KELLOGG                            )

**ORDER**

Defendant Franklin Lamar Kellogg moves to suppress any and all statements made by him during and after his arrest. [Doc. No. 30]. The motion was referred to Magistrate Judge Susan K. Lee for her report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Crim. P. 59(b). Magistrate Judge Lee held an evidentiary hearing and has submitted a report and recommendation. [Doc. No. 40]. Defendant has filed objections. [Doc. No. 41].

After reviewing the record *de novo*, the Court concludes that the defendant's objections are without merit and are **DENIED**. The Court **ACCEPTS** and **ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636 (b)(1)(B) and Fed. R. Crim. P. 59(b). The defendant's motion to suppress evidence [Doc. No. 30] is **DENIED**.

SO ORDERED.

ENTER this the 31<sup>st</sup> day October, 2006.

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*/s/ R. Allan Edgar*  
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE